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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,052	06/19/2001	Jurgen Wienboker	12758-028001	5039

7590 10/03/2005  
Fish & Richardson  
225 Franklin Street  
Boston, MA 02100-2804

EXAMINER

JONES, PRENELL P

ART UNIT	PAPER NUMBER
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2667

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/806,052	<b>Applicant(s)</b> WIENBOKER ET AL.	
	<b>Examiner</b> Prenell P. Jones	<b>Art Unit</b> 2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-19 is/are allowed.
- 6) ☐ Claim(s) 1,2,4 and 6 is/are rejected.
- 7) ☐ Claim(s) 3,5 and 7-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/16/2002</u> . | 6) <input type="checkbox"/> Other: _____  |

***Previous Action Withdrawn***

In light of receiving copies of the PTO stamped (February 13, 2002) return postcard of the Preliminary Amendment originally filed on November 27 2001, the Non-Final Office Action mailed out on November 12, 2004 is withdrawn herewith.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1, 2 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Huscroft et al.

Regarding claims 1, 2 and 6, Huscroft discloses (Figures 3 and 4, col. 2, line 39-55, Figures 5, 6 and 7, col. 8, line 46-67) interfacing between SONET fiber optic transmission and ATM in a multimedia environment wherein the payload multiplexing technique segments payload into bit cells which are allocated to user channels, cells are transmitted in streams and stream of frames of data (successive cells/bits), cells in the streams are mapped sequentially and contiguously onto payload portions of frames, processing cells byte by byte, two defined data structures (two bit groups), second data structure (bit group) is the combined bits of the first data structure (bit group), and data structures go from one transmission mode to another transmission mode as associated with ATM/AAL an SONET/SDH.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huscroft et al in view of Duree et al.

Regarding claim 4, as indicated above, Huscroft discloses (Figures 3 and 4, col. 2, line 39-55, Figures 5, 6 and 7, col. 8, line 46-67) interfacing between SONET fiber optic transmission and ATM in a integrated user network/multimedia environment wherein the payload multiplexing technique segments payload into bit cells which are allocated to user channels, cells are transmitted in streams and stream of frames of data, cells in the streams are

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mapped sequentially and contiguously onto payload portions of frames, processing cells byte by byte, two defined data structures (two bit groups), second data structure (bit group) is the combined bits of the first data structure (bit group), and data structures go from one transmission mode to another transmission mode as associated with ATM/AAL and SONET/SDH. Huscroft is silent on transmitting bit groups with the aid of IP. In analogous art, Duree (Abstract, Figs. 3, 5, 9, 10, col. 6, line 12-67, col. 7, line 9-49) discloses a telecommunication system that accommodates multimedia traffic, processing data information and data encryption, wherein voice is transported in association with an ATM network wherein the users communicate multimedia information, ATM associated with SONET framework, customers communicating via voice, and (col. 8, line 35-51) links used as a transmission media such as signaling, IP is a suggested link for transmitting data information. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement transmitting a bit group/data structure via IP as taught by Duree with the teachings of Huscroft for the purpose of deriving performance correlation between protocol layers in a multimedia transmission environment.

#### ***Allowable Subject Matter***

1. Claims 11-19 are allowed over prior art.
2. Claim 3, 5 and 7-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
3. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to teach or suggest utilizing the "ITU-T protocol standard", "transmitting the first bit group using a further protocol", "transmitting the second bit group transmitted with the

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protocol, in accordance with an additional protocol", digitizing the voice information into first bit groups of four bits in accordance with ADPCM modulation, and connecting a first sub-network to a second sub-network and transmitting the first bit groups combined to form the second bit group using the second protocol.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

September 20, 2005

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER  
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9/23/05